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February 20, 2024

VIA ELECTRONIC COURT FILING (ECF)

Hon. Lois Bloom
United States District Judge
United States Courthouse
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Stroude v. Manhattan Oral Facial Surgery, LLP
Civil Action No. 1:23-cv-08710-LB

Dear Judge Bloom:

This firm represents the defendant, Manhattan Oral Facial Surgery, LLC (“Defendant” and incorrectly captioned as Manhattan Oral Facial Surgery, LLP) in this matter. We write jointly on behalf of counsel for the plaintiff, Colette Stroude (“Plaintiff”), to request approval of the Consent Decree enclosed herewith.

Plaintiff’s class action Complaint alleges that Defendant’s website is a place of public accommodation which is not accessible to visually disabled persons in violation of the Americans with Disabilities Act and the New York City Human Rights Law. While Defendant does not admit liability, we have reached an early settlement with plaintiff individually in order to avoid the cost and inconvenience of litigation and to address the issues raised by this action in a mutually acceptable fashion. We hereby request that the Court so-order the Consent Decree, which has been fashioned as a reasonable resolution of Plaintiff’s claims.

The Consent Decree “(1) springs from and serves to resolve a dispute within the court’s subject-matter jurisdiction, (2) comes within the general scope of the case made by the pleadings, and (3) furthers the objectives of the law upon which the complaint was based.” *Kozlowski v. Coughlin*, 871 F.2d 241, 244 (2d Cir. 1989) (internal bracketing omitted) (citing *Local Number 93, Int’l Ass’n of Firefighters v. City of Cleveland*, 478 U.S. 501, 525 (1986)); accord, *Crosson v. PopSockets LLC*, No. 19-cv-200 (CBA)(LB), 2019 WL 6134416, at *2 (E.D.N.Y. Oct. 8, 2019), adopted by 2019 WL 6134153 (Nov. 19, 2019); *Riverkeeper, Inc. v. MLV Concrete Inc.*, No. 14-

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cv-3762 (LDH)(PK), 2017 WL 3172897, at *2 (E.D.N.Y. June 26, 2017), adopted by 2017 WL 3172859 (July 25, 2017). See also, *Figueroa v. Arhaus, LLC*, No. 18 Civ. 10491 (GWG) (S.D.N.Y. Feb. 20, 2019) (DE16) (applying the above standard in a similar ADA action to approve a consent decree in an action between private parties).

Additionally, the Consent Decree is designed to serve as a shield for Defendant against claims by other potential plaintiffs who may come forward to assert similar claims based on the putative access violations that are being addressed and resolved pursuant to this settlement. Duplicative suits have been a recurring problem in similar matters handled by my law firm and other attorneys defending these matters around the country.

Our firm has resolved many similar ADA website class actions in this Court and in other districts, and Your Honor and other judges have approved similar consent decrees in those matters and others, including *Hwang v. Ulla Johnson, Inc.*, EDNY, 23-cv-02952 (NRM-LB), August 22, 2023 (DE 13); *Emanuel Delacruz v. Plump P&C, LLC*, SDNY, 1:23-cv-05027 (KPF), August 8 2023; *Shael Cruz v. Treehouse California Almonds, LLC*, SDNY, 1-20-cv-09466 (MKV), June 9, 2021 (DE 16); *Martinez v. FKA Distributing Co. LLC*, EDNY, 19-cv-00035 (RJD), April 29, 2019 (DE 10); *Dennis v. Madcadi Inc.*, EDNY, 18-cv-07114 (KAM), June 24, 2019 (DE 18); *Crosson v. Simple Finance Technology Corp.*, EDNY, 19-cv-02350 (DLI)(PK), July 12, 2019; *Fischler v. Greystar Worldwide LLC*, EDNY, 18-cv- 04049 (VMS), July 17, 2019; *Fischler v Hub Associates, LLC*, EDNY, 18-cv-7000 (NG)(CLP), September 11, 2019 (DE 19); *Kiler v. Keith McCurdy LLC*, EDNY, 19-cv-03472 (AMD)(ST), October 17, 2019 (DE 11); *Panarese v. Museum of Modern Art*, EDNY, 19-cv-03899 (DRH)(ARL), October 31, 2019 (DE 11); *Rodriguez v. 1661, Inc.*, EDNY, 20-cv-03206 (RPK)(SJB), September 22, 2020 (DE 12); *Conner v. EMJ Apparel Group*, EDNY, 20-cv-03062 (VMS), November 12, 2020 (DE 16); *Kiler v. Radio Systems Corporate d/b/a Petsafe*, EDNY, 20-cv-02575(RJD), January 19, 2021 (DE 13); *Hanyzkiewicz v. Jewelry Supply, Inc.*, 22-cv-00316 (DG)(CLP), EDNY, June 13, 2022 (DE 13); *Iskhakova v. Korean Air Lines Co., Ltd.*, 22-cv-00611 (RPK), EDNY, August 21, 2022 (DE 16); and *Dawkins v. Golden Krust Caribbean Bakery, Inc.*, 22-cv-01223 (EK), EDNY, November 15, 2022 (DE 22).

For the reasons set forth above, we respectfully request that Your Honor approve the enclosed Consent Decree. Thank you for consideration of this request.

Very truly yours,

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cc: Counsel for Plaintiff (via ECF)